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of including the violation of this right within the somewhat uncertain definition of a tort it is strange that the author has entirely ignored it, especially when we find so excellent and suggestive a discussion of the nature of a tort as appears in Chapters I and II, particularly in connection with the comments on *Rich v. New York, etc., Ry.*, 87 N. Y. 382.

Without attempting to treat the history or the theory of the law of torts exhaustively, the author has presented with remarkable brevity and accuracy the legal principles involved in modern tort litigation, and his book will, we believe, find very general and cordial acceptance.

H. W. B.

CASES ON TORTS. By FRANCIS M. BURDICK, Dwight Professor of Law in Columbia University School of Law. Third Edition. Albany: Banks & Co. 1905. Pp xii, 1000.

This volume has been prepared by Professor Burdick and the cases selected and arranged for the use of law students in connection with his treatise on the *Law of Torts*. The divisions of the subject follow the classification of the text book both in the general outline of the work, and in the subdivisions of the same.

The success of this collection of cases is attested by those who have used it, and this third edition shows a careful selection of recent cases for addition to those formerly included, thus insuring the continuance of its valuable character as a body of cases illustrating the essential principles of tort law.

It may be doubted whether the "case system" can be utilized to best advantage when the collection of decisions is paralleled by a treatise analyzing the subject. Though the student finds the subject adequately expounded in such a text book, he is unlikely to secure the discipline and the resulting thoroughness of comprehension which results from an independent study of the cases.

H. W. B.

THE LAW OF TORTS. By MELVILLE MADISON BIGELOW. Eighth Edition. Boston: Little, Brown & Co. 1907. Pp. xxxv, 502.

When a legal text book reaches its eighth edition it establishes a claim to favorable recognition. This recognition may be due to its success as a treatise of particular utility, or to its adequacy as a thorough and comprehensive discussion of underlying principles. Bigelow on Torts is entitled, we believe, to recognition on both grounds, and particularly in this

latest edition is there a profound appreciation of the influence of social and economic forces in the development of the law.

The first chapter, devoted as it is to "Theory and Doctrine of Tort," contains a discussion of legal right, which is deserving of most careful consideration, and has a far wider bearing than a simple preface to the study of tort law. It is an examination of the fundamental conditions which find expression in the decisions of tribunals and consequently in the shaping and moulding of the body of the law.

Tort liability is considered under two heads, that resulting from acts involving a "Culpable Mind" and that resulting from acts the effect of an "Inculpable Mind," and the rules applicable in each case are correlated, and their connection pointed out. It will, perhaps, be a surprise to some to find "Negligence," discussed under the head of "Culpable Mind," but the author's reasons for this classification will be found to be of no little interest, and deserving, as in fact the whole treatise is, of serious consideration.

Of special importance, however, is the recognition given by the author to what he designates a new point of view emerging out of the agitation of social movements within recent years. This he describes as the struggle between equality and inequality—between the public and privilege, and between privilege as capital and privilege as labor—illustrated by such cases as *Rice v. Albee*, 164 Mass. 88, and *May v. Wood*, 172 Mass. 11, in this country, and *Allen v. Flood* (1898), A. C. 1, in England. The serious part played by the principles appearing in these decisions has, of course, not failed of recognition, but they receive in this volume a treatment adequate and exhaustive.

There is no doubt that the present edition of this work will add largely to its claim on the profession, and establish still further the well-earned reputation it has already secured.

H. W. B.

THE LAW OF PRIVATE CORPORATIONS. By WILLIAM L. CLARK, JR., Instructor in Law in the Catholic University of America. Second Edition, by FRANCIS B. TIFFANY. Hornbook Series. St. Paul, Minn.: West Publishing Co. 1907. Pp. xv, 721.

The special features of the Hornbook Series of legal text books, the succinct statement of the leading principles in black-letter type, the more extended commentary, elucidating the principles, and the notes and authorities, have found general favor with a large part of the profession. The present volume is prepared in the usual form, and follows closely the lines of